

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Russell Eugene Wolf,

Civ. No. 22-194 (PJS/BRT)

Petitioner,

v.

ORDER

J. Fikes, Warden;
and BOP,

Respondents.

Russell Eugene Wolf, *pro se* Petitioner.

Ana H. Voss, Esq., and Kristen Elise Rau, Esq., United States Attorney's Office, counsel for Respondents.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Becky R. Thorson dated August 10, 2022. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

1. Petitioner Wolf's current habeas corpus petition (Doc. No. 1), is summarily **DISMISSED WITHOUT PREJUDICE**;
2. Petitioner Wolf is granted leave to file a new pleading in this action, titled "Civil Complaint," which shall comply with the pleading requirements prescribed at Fed. R. Civ. P. Rules 8–11, Local Rule 9.3, and this Report and Recommendation;

3. If Petitioner elects to file a Civil Complaint in this action, his new pleading must be accompanied by either (a) the unpaid balance of the \$402.00 filing fee for a civil action filed in federal court, (namely an additional \$397.00), or (b) a properly completed application for leave to proceed in forma pauperis, together with the initial partial filing fee prescribed by 28 U.S.C. § 1915(b)(1); and

4. If Petitioner has not satisfied all of the requirements within **thirty days** of this Order, this action will be dismissed.

Date: September 14, 2022

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
Chief District Judge